

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KYLE PETERSEN,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. CIV-22-135-PRW

ORDER

Before the Court is Magistrate Judge Suzanne Mitchell's Report and Recommendation (Dkt. 11), recommending that Plaintiff's Complaint be dismissed for his failure to pay an initial partial filing fee. In her April 15, 2022, Order granting Plaintiff leave to proceed *in forma pauperis* (Dkt. 10), Magistrate Judge Mitchell directed Plaintiff to pay an initial partial filing fee of \$2.17 on or before May 6, 2022. When that deadline passed, Magistrate Judge Mitchell prepared her Report and Recommendation, recommending dismissal.

Plaintiff timely filed his Objection to the Report (Dkt. 12), in which he stated that he submitted a request to the prison's Trust Fund supervisor to send the fee on April 26, 2022, and that Plaintiff assumed that the Trust Fund followed through on his request. This Court then ordered (Dkt. 13) Plaintiff to show cause, by September 1, 2023, as to why the Court should not adopt the Report and Recommendation (Dkt. 11) and dismiss without prejudice Plaintiff's Complaint (Dkt. 1). Specifically, the Court directed Plaintiff to

provide any available documentation to show his attempted compliance with Magistrate Judge Mitchell's Order. Because Plaintiff has not complied with the Order to show cause, the Court hereby **ADOPTS** the Report and Recommendation (Dkt. 11) and **DISMISSES** this action without prejudice.

IT IS SO ORDERED this 5th day of October 2023.

A handwritten signature in black ink, appearing to read 'P. Wyrick', is written above a horizontal line.

PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE